



02-19-03

Gp # 2863

Attorney Dkt No.: 47793/58503

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: T. Sato

SERIAL NO. 09/681,690

GROUP Art Unit: 2863

FILED: November 4, 1999

EXAMINER: Xiuqin Sun

FOR: NETWORK MONITORING APPARATUS, A NETWORK MONITORING PROGRAM,  
A NETWORK MONITORING METHOD AND A COMPUTER NETWORK SYSTEM

\*\*\*\*\*

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited the United State Postal Service as Express Mail "Post Office to Addressee", Mailing Label No. **EL 932683212 US** addressed to: Commissioner for Patents, Washington, D.C. 20231, on February 14, 2003.

Regina M. Edwards

\*\*\*\*\*

Commissioner for Patents  
Washington, D.C. 20231**Dear Sir:**

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Power of Attorney By Assignee of Entire Interest (Revocation of Prior Powers) (2 pages);
2. Statement of 37 CFR Establishing the Right of Assignee to Take Action (4 pages);
3. This Transmittal Letter; and
4. Return Postcard.

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

Attorney Docket No.: 47793/58503

U.S. Serial No.: 09/681,690

Applicants: T. Sato

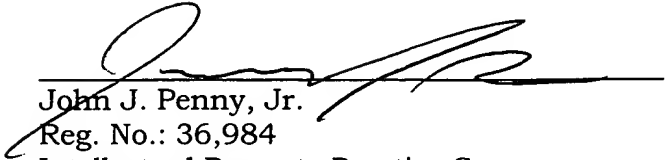
Filing Date: May 22, 2001

Group Art Unit: 2863

Examiner: Xiuqin Sun

☒ If any additional extension and/or fee is required, this is a request to charge Account No 04-1105 .

Customer No.: 21,874

  
John J. Penny, Jr.

Reg. No.: 36,984

Intellectual Property Practice Group

Edwards & Angell, LLP

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Boston, MA 02209

Date: February 14, 2003

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Attorney Docket No.: 47793/58503

#9  
Revocation  
3463  
DS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT(S):** Takayuki SATO

**U.S.S.N.:** 09/681,690

**ART UNIT:** 2863

**FILED:** May 22, 2001

**EXAMINER:** Sun, Xiubin

**FOR:** Network monitoring apparatus, a network monitoring program, a network monitoring method and a computer network system

**Commissioner for Patents**  
**Washington, D.C. 20231**

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

☒ Non-Provisional Application,  
☐ patent,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

David G. Conlin (Reg. No. 27,026)	Christine C. O'Day (Reg. No. 38,256)	Peter J. Manso (Reg. No. 32,264)
George W. Neuner (Reg. No. 26,964)	Lisa Swiszc Hazzard (Reg. No. 44,368)	Dianne M. Rees (Reg. No. 45,281)
Linda M. Buckley (Reg. No. 31,003)	David A. Tucker (Reg. No. 27,840)	John J. Penny, Jr. (Reg. No. 36,984)
Peter F. Corless (Reg. No. 33,860)	George W. Hartnell, III (Reg. No. 42,639)	Howard M. Gitten (Reg. No. 32,138)
Peter J. Manus (Reg. No. 26,766)	John B. Alexander (Reg. No. 48,399)	J. Mark Konieczny (Reg. No. 47,715)
Cara Z. Lowen (Reg. No. 38,227)	Steven M. Jensen (Reg. No. 42,693)	Jennifer K. Rosenfield (Reg. No. P53,531)
William J. Daley, Jr. (Reg. No. 35,487)	Kathryn A. Piffat (Reg. No. 34,901)	Gregory B. Butler (Reg. No. 34,558)
Robert L. Buchanan (Reg. No. 40,927)	Richard J. Roos (Reg. No. 45,053)	

*(check the following item, if applicable)*

☒ Attached, as part of this power of attorney, is the authorization of the above named attorney(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO:**

John J. Penny, Esq. (Reg. No. 36,984)  
Dike, Bronstein, Roberts & Cushman, LLP  
Intellectual Property Practice Group of  
EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, MA 02209  
U.S.A.  
Customer No.: 21874

**DIRECT TELEPHONE CALLS TO:**

John J. Penny, Jr., Esq.  
Telephone: (617) 439-4444  
Facsimile: (617) 439-4170  
Email: jpenny@ealaw.com

Allied Telesis K.K.

*(type or print identity of assignee of entire interest)*

**Address**

TOC Building, 7-22-17, Nishi-Gotanda  
Shinagawa-ku, Tokyo JAPAN 141-8635

- [X] Recorded in PTO on August 6, 2001  
Reel 012057  
Frame 0020  
[ ] Recorded herewith

**ASSIGNEE STATEMENT**

Attached to this power is a "STATEMENT UNDER 37 C.F.R. 3.73(b)."

  
Signature

Date: 27th, Jan, 2003

Tomoyuki SUGIHARA

*(type or print name of person authorized to sign on behalf of assignee)*

President, Allied Telesis K.K.

Title

*NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. 1.36.*

*(check the following item, if it forms a part of this power of attorney)*

- [ ] Added page—Authorization of attorney(s) to accept and follow instructions from representative.

Attorney Docket No.: 47793/58503

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT(S):** Takayuki SATO

**U.S.S.N.:** 09/681,690

**ART UNIT:** 2863

**FILED:** May 22, 2001

**EXAMINER:** Sun, XiuQuin

**FOR:** Network monitoring apparatus, a network monitoring program,  
a network monitoring method and a computer network system

**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**STATEMENT UNDER 37 C.F.R. § 3.73(b)**  
**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

\*\*\*\*\*

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited the United State Postal Service with sufficient postage as first-class mail in an envelope address to: Commissioner for Patents, Washington, D.C. 20231, on \_\_\_\_\_.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name of person certifying)

\*\*\*\*\*

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, ..., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of

Power of Attorney By Assignee of Entire Interest  
Statement Under 37 C.F.R. § 3.73(b)  
U.S.S.N.: 09/681,690  
Filed: May 22, 2001

*the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."*

NOTE: *The PTO points out, in the Notice of June 24, 1992 (1140 O.G. 63-72, at 66), that "[a]dditionally, when a patent assignee is not represented by an attorney or registered agent, a statement by the assignee must also be submitted stating that the evidence has been reviewed and certifying that, to the best of the party's knowledge and belief, title is in the party seeking to take action."*

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

**IDENTIFICATION OF ASSIGNEE**

2. Allied Telesis K.K.  
Name of assignee  
Corporation  
Type of assignee, e.g., corporation, partnership, university, government agency, etc.

**PERSON AUTHORIZED TO SIGN**

3. Tomoyuki SUGIHARA  
(type name of person authorized to sign on behalf of assignee)  
President, Allied Telesis K.K.  
Title of person authorized to sign

NOTE: *The Notice of April 30, 1993 (1150 O.G. 62-64) points out:*

*"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).*

*"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.*

*"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."*

*(complete the following, if applicable)*

- [X] I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

**BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

- A. 1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO on August 6, 2001 at Reel 012057, Frame 0020.
2. ☐ An assignment (document) separately being submitted for recordal herewith.

**AND/OR**

- B. ☐ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

*(check item below, and add details, if applicable)*

- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.


  
**SIGNATURE OF AUTHORIZED PERSON**

Tomoyuki SUGIHARA  
*(type or print name of authorized person)*

President, Allied Telesis K.K.  
Title of authorized person

Date: 27th, Jan, 2003

Power of Attorney By Assignee of Entire Interest  
Statement Under 37 C.F.R. § 3.73(b)  
U.S.S.N.: 09/681,690  
Filed: May 22, 2001

  
**SIGNATURE OF PRACTITIONER**

John J. Penny, Jr.

*(type or print name of practitioner)*

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Customer No.: 21874

Date: 2/13/03

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